IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 660 of 2007()

(CRIME NO.71/2004 BEFORE THE EXCISE CIRCLE OFFICE, KOLLAM)

PETITIONER: ACCUSED:

BINU, KALOORAYYATHU KIZHAKKETHIL,
THEVALAKKARA, KARUNGAGAPPALLY.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: STATE:

1. **THE ASSISTANT EXCISE COMMISSIONER,**
   KOLLAM.

2. **THE EXCISE CIRCLE INSPECTOR,**
   EXCISE CIRCLE OFFICE, KOLLAM.

3. **THE STATE OF KERALA, REPRESENTED BY**
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.660 of 2007

Dated this the 20th day of March, 2007

ORDER

The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of Crime No.71 of 2004 of Excise Circle Office, Kollam against the petitioner are hereby quashed.

(R.BASANT, JUDGE)

rtr/-